

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4507 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GAMETI KHATUJI BABUJI

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioners
M/S PATEL ADVOCATES for Respondent No. 1
MR MH RATHOD for Respondent No. 2
NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/03/2000

ORAL JUDGEMENT

Petitioner No. 2 was appointed as a labourer by
the respondent since 1982 and petitioner No. 1 was
appointed as a watchman in 1988. In this petition filed
in the year 1988, the petitioners prayed for a writ to

direct the respondents to treat the petitioners as regular employees from their initial date of appointment and to direct the respondents to grant the petitioners the benefits available to the regular class-IV employees of the respondents and for a further writ to direct the respondents to pay the petitioners arrears of salaries and all other allowances payable to regular class-IV employees.

2. While issuing notice on 12.8.1998, a Division Bench of this Court had passed the order of status quo regarding the petitioners' service conditions. However, while admitting the petition on 17.6.1992, this Court granted interim relief only to the effect that the services of the petitioners shall not be terminated except after following the procedure of law. It is stated in further affidavit dated 2.3.2000 filed by petitioner no.2 that the petitioners are still continued in employment. It is further contended in the further affidavit that there was a Section 2P settlement under the ID Act between the State Government and the federation of unions whereby it was agreed that the daily rates employees working in the State of Gujarat will be extended the time scale of pay after 5 years of service and on completion of 10 years of service, they will be treated as regular employees. It is further stated that the State Government in the Agriculture Department has accepted the resolution dated 17.10.1988 passed on the recommendations of the Daulatbhai Parmar Committee. Reliance is also placed on the decision of this Court dated 23.10.1999 in Special Civil Application No. 5757 of 1988.

3. There is no affidavit in reply although the petition is pending for final hearing since last more than 11 years. The learned counsel for the petitioners appears to be on firm ground in contending that the petition is covered by the aforesaid decision dated 23.10.1999 in Special Civil Application No.5757 of 1988. Accordingly, this petition also deserves to be allowed and the respondents are required to be directed to give the petitioners benefits as are conferred on the petitioners in Special Civil Application No. 5757 of 1988 as per the judgment dated 23.10.1999 in the said petition.

4 Accordingly the petition is allowed. The respondents are directed to give the petitioners the benefits of the Government Resolutions dated 1.10.1988 and 17.10.1988, if such benefits are not already given to the petitioners.

Rule is made absolute to the aforesaid extent.
There shall be no order as to costs.

March 3, 2000 (M.S. Shah, J.)
sundar/-